

State of Missouri

Rationale for Draft Discharge Restrictions for Outstanding Resource Waters 10 CSR 20-7.015(6)



Missouri Department of Natural Resources
Water Protection and Soil Conservation Division
Water Protection Program

Rationale for *draft* Discharge Restrictions for Outstanding Resource Waters

This proposal tries to achieve these basic goals—

1. The rule must protect Outstanding Resource Waters (ORWs) according to the Antidegradation Policy.
2. Acceptable to EPA in resolving their concerns expressed in the September 8, 2000, program review regarding inconsistencies in the rules about Antidegradation as applied to ORWs.
3. Feasible to implement.
4. Understandable by the general public and Commission.

Stakeholders brought to the staff's attention that the language for discharge limitations for ORWs contained in the previously drafted Effluent Regulations does not match staff's stated interpretation. Due to these comments, staff has revised the language to promote a better understanding of this issue.

Key Points:

- No lowering of water quality is allowed in Outstanding National and State Resource Waters.¹
- EPA guidance states “no new or increased discharges to [ORWs] and no new or increased discharge to tributaries to [ORWs] that would result in lower water quality in the [ORWs].”²
- Temporary lowering of water quality, but not below water quality standards, may be allowed as long as no long-term effects occur.³
- Some facilities began discharging to these waters and may have degraded them prior to the water's designation as an ORW.
- A large number of ORWs are located within the Karst area of Missouri.

Draft Rule Language

(6) [Effluent Limitations for Special Streams.] Discharge Restrictions for Outstanding National or State Resource Waters and Drainages Thereto.

(A) Discharge Restrictions for Outstanding National or State Resource Waters.

- 1. Except as specified below, no new or expanded discharges shall be allowed directly into these waters.**
- 2. Discharge from sources that existed before June 29, 1974, are allowed.**
- 3. When additional waters are designated in 10 CSR 20-7.031—Tables D & E, discharges that are permitted at the time of the designation are allowed.**
- 4. Temporary lowering of water quality, but not below water quality standards, may be allowed from storm water discharges during a construction project with prior approval by the department.**

¹ Per Antidegradation rule at 10 CSR 20-7.031(2)(C).

² United States Environmental Protection Agency. *Water Quality Standards Handbook: Second Edition*. August 1994. EPA-823-B-94-005a. page 4-10.

³ United States Environmental Protection Agency. *Water Quality Standards Handbook: Second Edition*. August 1994. EPA-823-B-94-005a. page 4-10.

(B) Discharge Restrictions in the watershed of Outstanding National or State Resource Waters.

- 1. All discharges into the tributaries of designated waters must ensure that no lowering of water quality occurs at or below the point the tributary enters the designated water.**
- 2. Discharges within the watershed of designated waters shall not result in the lowering of water quality in the designated water through hydrologic connections, such as through groundwater.**
- 3. Watershed, as used in this section, shall be any drainage area, on the surface or underground, that drains or flows to a designated water.**